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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,795	12/11/2003	Karen C. Roles	5681-76400	8971

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EXAMINER
MITCHELL, JASON D

ART UNIT	PAPER NUMBER
2193	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/733,795	ROLES ET AL.
	Examiner	Art Unit	
	JASON MITCHELL	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 August 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-13,17-31 and 35* is/are rejected.
7)☒ Claim(s) *14-16 and 32-34* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

This action is in response to an amendment filed on 8/29/08.

Claims 1-35 are pending in this application.

Claim Objections

Warning

Applicant is advised that should claim 1 be found allowable, claim 20 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9, 12-13, 19-31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,792,460 to Oulu et al. (Oulu) in view of US 6,237,143 to Fontana et al. (Fontana).

Claim 1

Oulu discloses a management system for generation of a management object model

including a structured hierarchy of objects representing components of a computer

system for performing management of the computer system (see e.g. Fig. 1C), the

management system comprising:

      a processor (col. 3, "general purpose computers"); and

      a memory coupled to the processor, wherein the memory comprises program

instructions (col. 3, "software modules ... executed by one or more general purpose

computers") configured to implement:

            component modules operable to define mappings from instrumentation of

the components to representations those components (col. 1, lines 41-52 "A

probe ... instruments these application components ... The resulting

measurement data is reported to a reports server"), and

            configuration modules operable to configure associations between the

component modules for the generation of the management object model (col. 8,

lines14-17 "the specific components to be monitored by the probe 122 ... are

preferably specified by a configuration file 125").

Oulu represents the components in a database but does not explicitly disclose that the

components are represented as objects.

Fontana teaches the use of a database representing components as objects (col. 4,

lines 37-51 "a … object-oriented database"; col. 6, lines 44-47 "identify the file usage

patterns … the information is then … stored in the repository 20").

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to represent Oulu's components as objects in an object oriented database as

taught by Fontana (col. 4, lines 37-51 "a … object-oriented database"). Those of

ordinary skill in the art would have been motivated to do so for the 'added value' such a

system would provide (Fontana "col. 4, lines 37-39 "a … object-orent6ed database …

adds value to a database system").

Claim 2

The rejection of Claim 1 is incorporated; further Oulu discloses wherein said component

modules are operable to define mappings at respective different levels of abstraction

(col. 8, lines 45-49 "select or deselect all of the methods within a particular class, all of

the classes within a particular group, and/or … specify which methods are to be

monitored").

Claim 3

The rejection of Claim 2 is incorporated; further Oulu discloses a said component

module is operable to define a mapping for a single component property at a first level

of abstraction (col. 8, lines 45-49 "which methods are to be monitored"; Fig. 1C

"additem(String)").

Claim 4

The rejection of Claim 2 is incorporated, further Oulu discloses a said component

module is operable to define a mapping for a set of component properties forming an

object at a second level of abstraction (col. 8, lines 45-49 "select or deselect all of the

methods within a particular class").

Claim 5

The management system of Claim 2, wherein a said component module is operable to

define a mapping for an assembly of associated objects at a third level of abstraction

(col. 8, lines 45-49 "all of the classes within a particular group").

Claim 6

The rejection of Claim 1 is incorporated; further Oulu discloses a said component

module for a component defines a behavior of the object representing the component

(col. 1, lines 41-44 "tracking execution start and stop times").

Claim 7

The rejection of Claim 1 is incorporated; further Oulu discloses a said configuration

module is operable to configure a said component module dynamically (col. 12, lines 5-

7 "dynamic instrumentation is used") at run time for a said component that is subject to

dynamic changes in status and is further operable to monitor said component for a

change in status (col. 1, lines 41-44 "start and stop").

Claim 8

The rejection of Claim 1 is incorporated; further Oulu discloses a said configuration

module is operable to configure a said component module statically at run time for a

said component having static properties for a given invocation of the computer system

(col. 12, lines 5-7 "statically instrumented").

Claim 9

The rejection of Claim 1 is incorporated; further Oulu discloses a said configuration

module is operable to configure a said component module fixedly at run time for a said

component having fixed properties for any invocation of the computer system (col. 12,

lines 5-7 "statically instrumented").

Claim 12

The rejection of Claim 1, wherein a said component module for a component identifies

an instrumentation module defining a source of instrumentation for the component (col.

11, lines 52-54 "The probe 122 … (adds hooks to) a monitored class").

Claim 13

The rejection of Claim 12 is incorporated; further Fontana teaches the instrumentation

module exports an object-based representation of the instrumentation data via an

instrumentation interface (col. 6, lines 41-47 "the post-processing functions module 33

… analyses the running the tool 17 … identify the file usage patterns … the information

is then … stored in the repository 20").

Claim 19

The rejection of Claim 1 is incorporated; further Oulu discloses the management system

forms a management agent for remote management of a computer system (col. 4, lines

36-39 "remote host computers 110, each of which runs an agent component 106").

Claims 20-31 and 35

Claims 20-31 and 35 recite limitations similar to those addressed in the rejections of

claim 1-9, 12-13 and are addressed similarly.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US

6,792,460 to Oulu et al. (Oulu) in view of US 6,237,143 to Fontana et al. (Fontana)

in view of US 5,901,315 to Edwards et al. (Edwards).

Claim 10

The rejection of Claim 1 is incorporated; further Oulu does not disclose a library of

component modules.

Edwards teaches a library of component modules (col. 5, lines 51-58 "the probe library").

It would have been obvious to one of ordinary skill in the art at the time the invention was made include a probe library as taught by Edwards (col. 5, lines 51-58 "the probe library") in Oulu's system. Those of ordinary skill in the art would have been motivated to do so in order to support development of the probe (Oulu col. 1, lines 41-52 "A probe"; Edwards col. 5, lines 51-58 "agents" in the "probe" design").

Claims 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,792,460 to Oulu et al. (Oulu) in view of US 6,237,143 to Fontana et al. (Fontana) in view of Official Notice.

Claim 11

The rejection of Claim 1 is incorporated; further Oulu does not disclose a said component module comprises a plug-in module.

It is officially noted that "plug-in" modules were well known in the art at the time of invention.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made implement Oulu's component modules (col. 1, lines 41-52 "A probe") as plug-

in modules. Those of ordinary skill in the art would have been motivated to do so as a

known alternate method of providing the functionality (col. 1, lines 41-52 "A probe …

instruments these application components") with known advantages (i.e. ease of

installation).

Claim 18

The rejection of Claim 12 is incorporated; further Oulu does not disclose a said

instrumentation module comprises a plug-in module.

It is officially noted that "plug-in" modules were well known in the art at the time of

invention.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made implement Oulu's instrumentation modules (col. 11, lines 52-54 "The probe

122 … (adds hooks to) a monitored class") as plug-in modules. Those of ordinary skill in

the art would have been motivated to do so as a known alternate method of providing

the functionality (i.e. data collection) with known advantages (i.e. ease of installation)

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,792,460 to Oulu et al. (Oulu) in view of US 6,237,143 to Fontana et al. (Fontana) in view of US 2003/0023956 to Dulberg et al. (Dulberg).

Claim 17

The rejection of Claim 12 is incorporated; further Oulu does not disclose a library of instrumentation modules.

Dulberg teaches a library of instrumentation modules (par. [0020] "a library function … performs the task of hook 20").

It would have been obvious to one of ordinary skill in the art at the time the invention was made include a library of instrumentation modules () in Oulu's system (col. 11, lines 52-54 "hooks … a monitored class"). Those of ordinary skill in the art would have been motivated to do so as a known and obvious method of providing the desired functionality which would have produced only the expected results (Oulu col. 11, lines 52-54 "The probe 122 … (adds hooks to) a monitored class").

Allowable Subject Matter

Claims 14-16 and 32-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON MITCHELL whose telephone number is (571)272-3728. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bullock Lewis can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Mitchell/
Examiner, Art Unit 2193

/Lewis A. Bullock, Jr./
Supervisory Patent Examiner, Art Unit 2193